

1 M. ELIZABETH DAY (SBN 177125)  
eday@feinday.com  
2 IAN N. FEINBERG (SBN 88324)  
ifeinberg@feinday.com  
3 DAVID ALBERTI (SBN 220625)  
dalberti@feinday.com  
4 SAL LIM (SBN 211836)  
slim@feinday.com  
5 YAKOV ZOLOTOREV (SBN 224260)  
yzolotorev@feinday.com  
6 MARC BELLOLI (SBN 244290)  
mbelloli@feinday.com  
7 **FEINBERG DAY ALBERTI &**  
**THOMPSON LLP**  
8 401 Florence Street, Suite 200  
Palo Alto, CA 94301  
9 Telephone: 650.618.4360  
Facsimile: 650.618.4368  
10  
11 Attorneys for Plaintiff  
PRAGMATUS TELECOM, LLC

Arthur Beeman (SBN 237996)  
arthur.beeman@dentons.com  
Rachel Repka (SBN 248331)  
rachel.repka@dentons.com  
**DENTONS US LLP**  
1530 Page Mill Road, Suite 200  
Palo Alto, CA 94304-1125  
Telephone: (650) 798-0300  
Facsimile: (650) 798-0310

Carlos Perez-Albuerne (*Pro Hac Vice*)  
cperez@choate.com  
G. Mark Edgerton (*Pro Hac Vice*)  
medgerton@choate.com  
Anita M.C. Spieth (*Pro Hac Vice*)  
aspieth@choate.com  
**CHOATE, HALL & STEWARD LLP**  
Two International Place  
Boston, MA 02110  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000

12 Attorneys for Defendant  
BUILD.COM, INC.

13  
14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17  
18 PRAGMATUS TELECOM, LLC,  
19 v. Plaintiff,  
20 BUILD.COM,  
21 v. Defendant.

CASE NO. 3:12-CV-06196-MMC  
**JOINT STIPULATION TO MODIFY**  
**SCEDULING ORDER AND ORDER**  
**THEREON**  
**Hon. Maxine M. Chesney**

22  
23 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Pragmatus Telecom, LLC  
24 (“Pragmatus”) and Defendant Build.com (“Build”), hereby stipulate through their respective  
25 counsel of record as follows:

26 WHEREAS on March 29, 2013, the parties submitted a Joint Case Management  
27 Statement (Dkt. No. 32);

1           Whereas on April 8, 2013 and April 9, 2013, the Court issued an Amended Civil Minutes  
 2 (Dkt. No. 35) and a Pretrial Preparation Order (Dkt. No. 36), respectively, setting forth the  
 3 schedule for this case;

4           WHEREAS, the parties are currently engaged in discussions in an effort to resolve this  
 5 matter and believe that an extension of certain deadlines set forth in the Court's Pretrial  
 6 Preparation Order may aid the parties in their efforts to resolve this litigation; and

7           WHEREAS this extension will not affect the Markman hearing date, the discovery cutoff  
 8 dates, or the trial date;

9           NOW THEREFORE the parties through their undersigned counsel hereby stipulate to, and  
 10 request the Court to order, that certain deadlines, set forth in the parties Joint Case Management  
 11 Statement (Dkt. No. 32) and the Court's Pretrial Preparation Order (Dkt. No. 36), are modified as  
 12 follows:

Event	Current Deadline	Modified Deadline
Exchange of Initial Disclosures	May 17, 2013	May 31, 2013
File ESI Agreement and Proposed Protective Order	May 17, 2013	May 31, 2013
Pragmatus serves infringement contentions and makes document production accompanying disclosures (Patent L.R. 3-1 and 3-2)	May 17, 2013	May 31, 2013
Build.com serves invalidity contentions and makes document production accompanying invalidity contentions (Patent L.R. 3-3 and 3-4)	July 1, 2013	July 15, 2013
Exchange of proposed terms for construction (Patent L.R. 4-1)	July 22, 2013	August 5, 2013
Exchange of preliminary claim constructions and extrinsic evidence (Patent L.R. 4-2)	August 5, 2013	August 19, 2013

1 **IT IS SO STIPULATED.**

2

3 Dated: May 14, 2013

4

5 FEINBERG DAY ALBERTI & THOMPSON LLP DENTONS US LLP

6

7 By: /s/ Marc Belloli

8 M. Elizabeth Day

9 Ian N. Feinberg

10 David Alberti

11 Sal Lim

12 Yakov Zolotorev

13 Marc Belloli

14

15 Attorneys for Plaintiff

16 PRAGMATUS TELECOM, LLC

17

18

19

20

21

22

23

24

25

26

27

28

6 By: /s/ Rachel Repka

7 Arthur Beeman

8 Rachel Repka

9 Carlos Perez-Albuerne

10 G. Mark Edgerton

11 Anita M.C. Spieth

12 Attorneys for Defendant

13 BUILD.COM

**CERTIFICATION PURSUANT TO GENERAL RULE NO. 45, SECTION X, RE E-  
FILING ON BEHALF OF MULTIPLE SIGNATORIES**

In accord with the Northern District of California's General Order No. 45, Section X.(B), I attest that concurrence in the filing of this document has been obtained from each of other signatories who are listed on the signature pages.

Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

Executed this 14th day of May, 2013 at Palo Alto, California.

DENTON US LLP

By: /s/ Rachel Repka  
Rachel Repka

*Attorneys for Defendant  
Build.com*

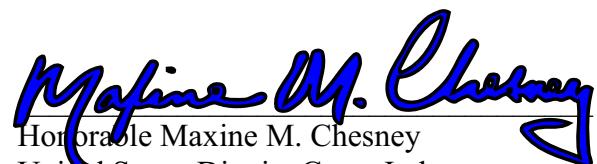
**ORDER**

Pursuant to the stipulation of the parties, it is hereby ORDERED that the certain deadlines set forth in the Court's Pretrial Preparation Order are modified as follows:

Event	Current Deadline	Modified Deadline
Exchange of Initial Disclosures	May 17, 2013	May 31, 2013
File ESI Agreement and Proposed Protective Order	May 17, 2013	May 31, 2013
Pragmatus serves infringement contentions and makes document production accompanying disclosures (Patent L.R. 3-1 and 3-2)	May 17, 2013	May 31, 2013
Build.com serves invalidity contentions and makes document production accompanying invalidity contentions (Patent L.R. 3-3 and 3-4)	July 1, 2013	July 15, 2013
Exchange of proposed terms for construction (Patent L.R. 4-1)	July 22, 2013	August 5, 2013
Exchange of preliminary claim constructions and extrinsic evidence (Patent L.R. 4-2)	August 5, 2013	August 19, 2013

**IT IS SO ORDERED.**

May 17, 2013

  
Honorable Maxine M. Chesney  
United States District Court Judge

80298906\W-1